

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

KIM A HULET
Claimant

APPEAL NO. 10A-UI-02967-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OPTIMAE LIFESERVICES INC
Employer

**Original Claim: 01/06/08
Claimant: Appellant (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Kim Hulet, filed an appeal from a decision dated February 12, 2010, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on April 7, 2010. The claimant participated on her own behalf. The employer, Optimae Lifeservices, participated by Administrator James Maize and Director of Business Operations Kerri Durand.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Kim Hulet was employed by Optimae Lifeservices from April 2, 2009 until July 2, 2009 as a part-time community support specialist. The clientele are mentally handicapped. At the time of hire, she signed a job description that included notice that she might have to assist a client with hygiene, including cleaning up vomit, urine, and feces.

Ms. Hulet's client caused her some distress by asking her about her sex life with her husband and not always appearing fully dressed or would not be ready when she would arrive at his home to transport him to various locations. She talked about this with her supervisor, Josh Swaford, and he said he would try to help her. The claimant did not go to the administrator or the human resources representative about any of her concerns or to request a new client.

On July 2, 2009, Ms. Hulet left a note on her time card saying, "I'm done." The client had evacuated his bowels in the front seat of her car while she was transporting him. She decided she could not longer perform the functions of her job and resigned.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

871 IAC 24.25(21) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(21) The claimant left because of dissatisfaction with the work environment.

The claimant undoubtedly felt very distressed when dealing with this mentally handicapped individual, and was thoroughly dismayed when he fouled her car. But, the job description she signed made it very clear that problems with such bodily functions could be expected when dealing with the clients. Her dislike of the work environment may be based on good personal cause, but this does not constitute good cause attributable to the employer. The claimant is disqualified.

DECISION:

The representative's decision of February 12, 2010, reference 01, is affirmed. Kim Hulet is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw